



FPPC Bulletin

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Mark your calendar:

- ♦ Campaign workshops set
- ♦ Lobbyist ethics course scheduled
- ♦ See details on Pages 8-9

FPPC Experts Help Public Find And Interpret Disclosure Data

By Jon Matthews
FPPC Publications Editor

How can California's political reform laws be fully effective if members of the public have trouble reading and interpreting the many complex disclosure forms?

To help address this issue, FPPC staff experts hosted a spring workshop to help media members, public interest group representatives and others more easily use the state's huge repositories of campaign, lobbying and economic interest disclosure data.

The workshop provided information on where campaign, lobbying and economic disclo-

sure information is located, how to get it, and what the myriad disclosures on the forms and electronic filings actually mean.

The workshop drew over two dozen attendees to the FPPC's downtown Sacramento headquarters, with the audience including representatives from many major media outlets. Based on that success, FPPC staff members hope to host similar workshops in the future.

"California's political reform laws require the disclosure of vast amounts of campaign finance data and other information, much of it available to anyone with a computer and Internet

(Continued on page 3)

2001 Accomplishments Honored

New FPPC Public Education Unit Wins Two Communications Awards

The Public Education Unit of the Fair Political Practices Commission has received two top awards from the State Information Officers Council (SIOC) – the statewide organization of information officers and publications professionals in California state government.

The recognition, announced at an April 11 ceremony in Sacramento, came in SIOC's annual awards competition to recognize excellence in state government communication.

The FPPC's Public Education Unit was established with a special budget allocation approved

by the state Legislature and the Governor. The unit's mission includes producing publications, web-based information and other projects aimed at helping public officials and the general public better understand the Political Reform Act's complex disclo-

(Continued on page 31)

Future Commission Meeting Dates

The Fair Political Practices Commission is currently scheduled to meet on the following dates the remainder of this year:

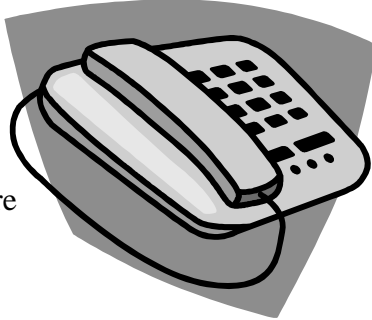
| | |
|-----------------------|----------------------|
| Thursday, July 11 | Friday, October 4 |
| Friday, August 9 | Thursday, November 7 |
| Thursday, September 5 | Friday, December 13 |

Meetings generally begin at 9:30 a.m. in the FPPC's 8th floor hearing room at 428 J Street, Sacramento, but check the FPPC web site regularly as starting times can change.

Toll-free Advice Line: 1-866-ASK-FPPC

Public officials, local government filing officers, candidates and others with obligations under the Political Reform Act are encouraged to call toll-free for advice on issues including campaign contributions and expenditures, lobbying and conflicts of interest. *FPPC staff members answer thousands of calls for telephone advice each month.*

The FPPC provides written advice in response to more complicated questions.



California Fair Political Practices Commission

Karen Getman, Chairman
Sheridan Downey III, Commissioner
Thomas S. Knox, Commissioner
Gordana Swanson, Commissioner
Vacancy

Commission Meetings

Meetings are generally scheduled monthly in the Commission Hearing Room, 428 J Street, 8th Floor, Sacramento. Please contact the Commission or check the FPPC web site, www.fppc.ca.gov, to confirm meeting dates.

Pursuant to Section 11125 of the Bagley-Keene Open Meeting Act, the FPPC is required to give notice of its meetings ten (10) days in advance of the meeting. In order to allow time for inclusion in the meeting agenda and reproduction, all Stipulation, Decision and Order materials must be received by the FPPC no later than three (3) business days prior to the ten day notice date.

To receive a copy of the Commission meeting agenda (free) or a copy of the full meeting packets (\$10/month or \$100/year) contact the Commission at (916) 322-5660. The agenda and packet also are available free of charge on the Commission's web site at www.fppc.ca.gov. Additionally, past and future agendas are posted on the web site.

Published by the Fair Political Practices Commission

428 J Street, Suite 620, Sacramento, CA 95814

Internet: www.fppc.ca.gov

Toll-free advice line: 1-866-ASK-FPPC (1-866-275-3772)

Telephone: 1-916-322-5660

Enforcement hotline: 1-800-561-1861

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bulletin@fppc.ca.gov

To receive the *Bulletin* by e-mail, e-mail your request to jmatthews@fppc.ca.gov

...FPPC Staff Experts Host Spring Workshop To Help Media and Others Find and Track Disclosure Information

(Continued from page 1)

connection. Our aim is to help reporters, public interest groups and any other interested persons better understand how to find, track and interpret the information," said Hal Dasinger, an Internet expert with the FPPC's Public Education Unit.

The April 16 workshop was part of the FPPC's increased emphasis on educating and informing the public about California's Political Reform Act and the related duties of the FPPC and thousands of other agencies and regulated public officials. Persons who didn't have an opportunity to attend the workshop are encouraged to visit the FPPC's web site, www.fppc.ca.gov, and the Secretary of State's web site, www.ss.ca.gov, for helpful information.

The FPPC workshop featured multi-media presentations and included discussion of information found in campaign reports, including those filed by candidates, contributors and ballot measure campaigns. The FPPC staff experts also discussed lobbying disclosure reports and statements of economic interests filed by tens of thousands of state and local public officials. Information was provided on downloading information into spreadsheets, searching for individual candidates and committees, and many other areas.

At the end of the workshop,



FPPC staff experts hosted a spring workshop to help members of the media, public interest group representatives and others more easily use the state's huge repositories of campaign, lobbying and economic interest disclosure data. Hosts included Hal Dasinger of the FPPC's Public Education Unit (left), Lynda Cassady, assistant chief of the Technical Assistance Division (center), and Jon Wroten, an investigator with the Enforcement Division (right).

participants were invited to receive individual "hands-on" computer training.

In response to suggestions and concerns voiced at the workshop, the FPPC has installed a public computer terminal in its 6th floor document viewing room. The computer provides access to the FPPC and Secretary of State web pages and allows staff to assist in the location of FPPC-related information.

The experts conducting the workshop for the FPPC included Dasinger, who coordinates the FPPC's web site and was previ-

ously employed by the Secretary of State's office; Lynda Cassady, assistant chief of the Technical Assistance Division, which provides oral and written advice, drafts forms and prepares manuals for candidates and public officials; and Jon Wroten, an investigator in the FPPC's Enforcement Division. Wroten coordinates the commission's expedited prosecution programs for violations of disclosure rules affecting major donors and late-contribution reports, and is an expert on electronically filed campaign reports.

New Features and Updates To Keep You Informed At www.fppc.ca.gov

Enforcement Case Details Added to Web Site

By Hal Dasinger
Political Reform Consultant

Visitors to our web site lists of completed enforcement actions may have noticed active links next to the newer entries.

Clicking on "Summary of Past Enforcement Cases A-Z" takes the visitor to links for each letter of the alphabet; and selecting one of these links will produce a list of cases listed under that letter. Each case summary added to the web after June 2001 is linked to stipulated decisions and orders, default decisions, exhibits, or other related documents. These documents also became available through links to the monthly meeting agendas beginning in June 2001. For an example of such a link, see the illustration below.

Why not offer this feature for all enforcement cases listed on our site? The answer has to do

with the time involved in converting the documents to web-friendly formats and adding the links to the pages, and the storage capacity required to host the documents.

In our judgment, the more recent cases are likely to be of more interest, so the resources devoted to providing those documents are better justified.

We hope that visitors to the enforcement section of our web site will find this feature useful. We encourage users of the site to let us know how we're doing by clicking on the "Feedback" button, which can be found at the top of any page within our site.



FAIR POLITICAL PRACTICES COMMISSION

SEARCH SITE MAP COMMISSION PRESS CENTER LIBRARY & PUBLICATIONS FEEDBACK

A

AB&I FOUNDRY, SI-2001/136, (2001)

84200 - One (1) count
\$400 fine

AB&I Foundry of Oakland failed to file a major donor campaign statement during 2000.

ABERNETHY, ROBERT, 02/30, (2002)

84203 - Three (3) counts
\$1,800 fine

Robert Abernethy, Los Angeles, failed to file late contribution reports in 2000.
Order and Exhibit

ABRAHAM, WALDEMAR P., SI-91/201, (1993)

87200 and 87206 - Four (4) counts
87200 and 87207 - Three (3) counts
\$14,000 fine

Link to additional documents

Left sidebar menu:

- ▶ FPPC Home Page
- ▶ Prop. 34
- ▶ Commission
- ▶ Agendas
- ▶ Candidates and Committees
- ▶ Lobbyists
- ▶ Restrictions on Government Officials and Employees
- ▶ Ethics Orientation for State Officials
- ▶ Conflicts of Interest/Form 700
- ▶ Statement of Economic Interests
- ▶ **Enforcement**
 - ▶ Brochure: What happens after I file a complaint?
 - ▶ Overview of the Enforcement Process
 - ▶ How To Report a Violation of the Political Reform Act

SEIs Among Key Issues at California Ethics Agencies Annual Meeting

By Scott A. Burritt
FPPC Executive Fellow

On April 29, 2002, the Oakland Public Ethics Commission hosted the 2002 meeting of California ethics agencies. Organized by the Fair Political Practices Commission, the annual meeting provides a forum where the agencies can discuss their shared responsibilities.

"This annual meeting is extremely important," said FPPC Chairman Karen Getman. "It is vital that we maintain a dialogue between the local agencies and the FPPC. We face many of the same challenges. By sharing our experiences we become more effective."

Throughout the meeting, the FPPC reminded the local agencies of the FPPC training available to those who have duties under the Act at all levels.

"Training of the local filing officers is a vital function of the FPPC," said Carla Wardlow, chief of the FPPC's technical assistance division.

Specific issue areas addressed during the meeting included statements of economic interests, the increase in independent campaign expenditures, the FPPC's new streamlined enforcement program, and legislation affecting local jurisdictions.



Representatives of California ethics agencies met in Oakland to discuss the agencies' shared responsibilities. FPPC Chairman Karen Getman, who also attended, calls the annual conferences "extremely important."

SEIs

Several participants noted increases in the number of statements of economic interests they are required to process.

LeeAnne Pelham, executive director of the Los Angeles Ethics Commission, pointed out that her agency has hired a coordinator to work with departments to determine who must file and at what level of disclosure. The Los Angeles commission is the filing officer for 5,000 statements.

Dan Purnell, executive director of the Oakland Public Ethics Commission, asked whether a filing officer can develop an appeals process for employees who disagree with their disclosure requirements. Luisa Menchaca, general counsel to the FPPC, advised that an appeals process should be written into an agency's conflict-of-interest

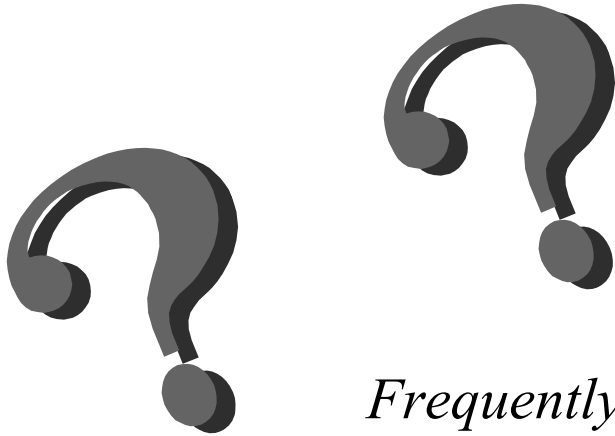
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Independent Expenditures

Meeting attendees expressed concern over increases in the number of independent expenditure campaigns and in the amounts these committees are spending. Chairman Getman assured the gathering that the FPPC is monitoring this trend and may suggest legislative or regulatory changes. Independent expenditures also raise issues with regard to local contribution limits, and to laws and regulations governing member communications and advertising.

The interplay between state and local regulation in this area was the subject of a formal FPPC opinion in 2001 (*In re Olson*, FPPC Op. O-01-112).

(Continued on page 21)



Frequently Asked Proposition 34 Questions And Answers

New Committee Termination Requirement for State Candidates - Questions and Answers

By the Staff of the Technical Assistance Division

The Fair Political Practices Commission recently adopted regulation 18404.1 as part of its implementation of Proposition 34. This regulation, among other things, establishes specific time frames for candidates for elective state office and elected state officeholders to close their campaign committees. The regulation became effective on February 15, 2002. State candidates and officeholders should check the FPPC's web site for the specific language of the regulation and the information sheet titled, *Committee Termination Requirements for State Candidates*, or call toll-free at 1-866-ASK-FPPC for more information.

Q. Assemblyman Luke Dawson has an open committee that was established for his 1996 election to city council. Mr. Dawson also has an open Assembly committee formed in

2000 for his current term of office. Must Assemblyman Dawson terminate his committee formed for the local election?

A. Yes. State officeholders must terminate their controlled committees that were formed for local elections. If the state officeholder was elected *prior* to January 1, 2001, then any local committee(s) must be closed no later than December 31, 2002. If the state officeholder was elected *after* January 1, 2001, the local committee(s) must be closed within 24 months of the election to state office.

Q. Joan Shelley ran unsuccessfully for state Senate in the March, 2002, primary election. Ms. Shelley has two campaign committees open – one established for a county election in 1996 and the second for her 2002 Senate election. The Senate committee is debt-free. What are the deadlines to terminate Ms. Shelley's two committees?

A. Committees formed for a state election held after February 15, 2002, have different termination deadlines depending upon whether the candidate is successful in the election and

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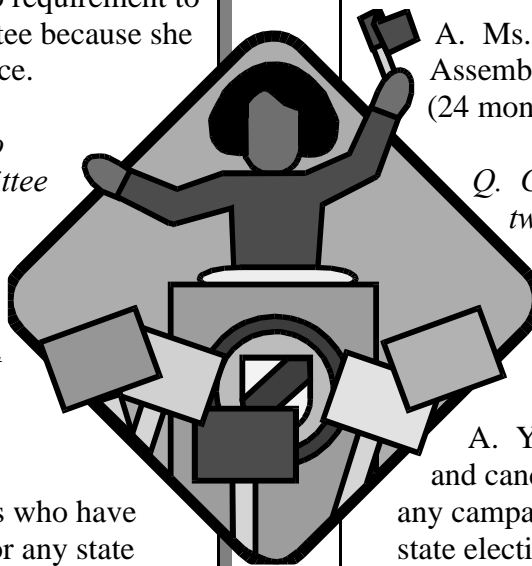
...Proposition 34 Questions and Answers

(Continued from previous page)

whether the committee has net debt outstanding. (To determine net debt, see regulation 18531.6.) Because Ms. Shelley was defeated and her Senate committee is free of debt, she must terminate this committee by December 5, 2002 (nine months after the election). Ms. Shelley has no requirement to terminate her county committee because she was not elected to a state office.

Q. Senator Mike Mackie has two open committees. One committee was established for his 1998 election to the Assembly. The second committee was formed in 2000 for his current Senate term. When must these committees be terminated?

A. In general, state officeholders who have an open committee formed for any state election held before 2001 must close the committee by December 31, 2002. However, an officeholder elected prior to January 1, 2001, may retain one pre-2001 state election committee. In this example, Senator Mackie must close one of his committees no later than December 31, 2002. If the other committee has no debt, it must be terminated no later than nine months after Senator Mackie leaves office or his current term of office ends, whichever is earlier. If the committee has debt, the senator will have 24 months to close the committee. Due to a restriction under the Act referred to as the "one bank account rule," if the senator will make expenses associated with holding his Senate seat, he must select the Senate committee because he is currently holding that office.



Q. Non-incumbent candidate Crystal Richardson was defeated in a March 5, 2002, primary Assembly race. Ms. Richardson's Assembly committee has net debts outstanding. What are the termination requirements for this committee?

A. Ms. Richardson must terminate her Assembly committee by March 5, 2004 (24 months after the election).

Q. Congressman Alex Daniels has two open Assembly committees – one for his election to the Assembly in 1996 and the second for his reelection in 1998. Must these committees be terminated?

A. Yes. Former state officeholders and candidates are required to terminate any campaign committees established for a state election held before January 1, 2001, by December 31, 2002.

Q. Are there any provisions for granting an extension to a termination deadline?

A. Yes. A candidate may request to delay the termination of a campaign committee for up to six months if the committee is continuing to pay debts, if the candidate or his or her committee is a party to litigation, or for other good cause. The request for extension must be submitted to the executive director of the FPPC no later than 30 days prior to the due date for the committee's termination.

FPPC Campaign Workshops in August and September

The Fair Political Practices Commission will hold workshops tailored to assist candidates and treasurers of candidate-controlled committees participating in the fall 2002 elections. The workshops, lasting approximately two hours, will include discussion of mass mailing identification requirements and campaign disclosure provisions and prohibitions. Numerous examples of campaign forms will be used in the discussion.

These workshops are geared to campaigns that will raise over \$1,000. However, *all candidates and treasurers are welcome.*

Santa Cruz

Saturday, August 10
10 a.m. - noon
City Hall, Council Chambers
809 Center Street

Santa Clara

Tuesday, August 13
7 - 9 p.m.
City Hall, Council Chambers
1500 Warburton Avenue

Lathrop

Wednesday, August 14
6 - 8 p.m.
City Hall, Council Chambers
16775 Howland Road

El Cajon

Thursday, August 15
7 - 9 p.m.
Community Center
195 East Douglas

Windsor

Saturday, August 17

PLAN TO ATTEND!



Call the FPPC at 1-916-322-5660, or toll-free 1-866-275-3772, and press 3 to reserve your seat.

RESERVATIONS REQUIRED!

(Seminars subject to cancellation if fewer than 25 participants are signed up one week before the seminar date.)

10 a.m. - noon
Town Hall, Council Chambers
9291 Old Redwood Hwy, Bldg. 400

Upland

Monday, August 19
6 - 8 p.m.
Carnegie Library
123 D Street

Cathedral City

Tuesday, August 20
6 - 8 p.m.
City Hall, Council Chambers, 3rd Floor
68700 Avenida Lalo Gururero

Walnut Creek

Wednesday, August 21
9 - 11 a.m.
City Hall, Council Chambers
1666 North Main Street

Alhambra

Thursday, August 22
7 - 9 p.m.
City Hall, Council Chambers
111 South First Street

San Luis Obispo

Friday, August 23

7 - 9 p.m.
SLO City/County Library,
Community Room
995 Palm Street

Thousand Oaks

Wednesday, August 28
7 - 9 p.m.
Grant Brimhall Library
Marvin Smith Meeting Room
1401 Janss Road

Santa Monica

Thursday, August 29
7 - 9 p.m.
City Hall, Council Chambers
1685 Main Street

Huntington Beach

Wednesday, September 4
7 - 9 p.m.
Central Library, Talbert Room
7111 Talbert Street

Berkeley

(For Berkeley candidates **only**)
Thursday, September 5
7 - 9 p.m.
Council Chambers
2134 Martin Luther King Jr. Way

Lobbyist Ethics Course Is Planned For August

The Assembly Legislative Ethics Committee and the Senate Committee on Legislative Ethics have scheduled a lobbyists' ethics course for 1:30 p.m. on Friday, August 2, 2002.

Government Code section 86103 requires lobbyists to complete this course as a condition of registration to lobby in the state of California. New lobbyists must complete the ethics

course within 12 months of registration. Any registered lobbyist (new or renewing) who has not completed the ethics course requirement for the 2001-2002 legislative session should attend this course.

To obtain information about signing up for the course, contact Jeanie Myers at the Senate Committee on Legislative Ethics at (916) 324-6929. As space is

limited, a completed sign-up form and the \$25 course fee are required in advance.

Lobbyists' Ethics Course

Friday, August 2, 2002
Legislative Office Building
1020 N Street
Assembly Hearing Room 100
1:30 p.m. to 3:30 p.m.

FPPC Updates Successful Streamlined Late Contribution Program

By John Symkowick
Publications Assistant

The Fair Political Practices Commission voted at its March meeting to update its successful streamlined program for identifying and prosecuting late contribution reporting violations in connection with state elections.

In the program's first two years of operation, the Commission has approved 64 settlements with administrative penalties totaling \$145,834.

First initiated in connection with the March 7, 2000, primary election, the program's ability to identify and address violations quickly and efficiently has proved to be a deterrent against future violations. As evidence, there were significantly fewer late contribution reporting violations in connection with the November 7, 2000 general election.

At its March meeting, the Commission decided that the enforcement division will retain discretionary authority as to which cases should or should not be prosecuted under the program. To simplify this process, the Commission adopted a set of guidelines based on the criteria required of the Commission or an administrative law judge for

making similar decisions.

In addition, the Commission updated its standardized penalty structure to reflect recent changes resulting from the November 2000 passage of Proposition 34. Previously, the program required participants to pay a fine equivalent to 15% of the unreported contribution amounts, but no more than the statutory maximum of \$2,000.

However, with the passage of Proposition 34, the statutory maximum was increased from \$2,000 to \$5,000.

In an effort to provide greater incentive for violators to quickly resolve their cases through the program, the Commission voted to approve a maximum fine of 15 percent of the unreported contributions, but limited to \$3,500 per violation. Those cases with aggravating circumstances, necessitating higher fines, will not be handled through the streamlined program.

The late contribution program is one of the three streamlined enforcement programs developed by the FPPC in the past two years. The other two programs involve statements of economic interests and major donors.

Litigation Report

California ProLife Council PAC v. Karen Getman et al.

On January 11, 2002, Judge Frank C. Damrell heard cross motions for summary judgment on the three claims by the plaintiff that had not been dismissed in earlier proceedings. On January 22, 2002, the court denied the motion for summary judgment filed by the plaintiff, and granted the FPPC's motion, after concluding that "the constitutional case or controversy requirement of ripeness cannot be satisfied." The court entered judgment accordingly on January 22, 2002, and on February 20, 2002, the plaintiff filed a notice of appeal with the Ninth Circuit Court of Appeals.

Danny L. Gamel et al. v. FPPC

In September 2001 the Commission adopted the proposed decision of an administrative law judge assessing a penalty of \$8,000 against the plaintiffs for making campaign contributions in violation of §§ 84300 – 84302. The plaintiffs contested this decision by writ of mandate in the Fresno County Superior Court. On March 21, 2002, the court upheld the Commission's determination that Dan Gamel and Rudy Olmos violated the Act, but vacated the finding against Gamel Inc. The penalties assessed against Dan Gamel were affirmed but the court re-



manded the case to the Commission for reconsideration of the penalty assessed against Rudy Olmos.

Levine et al. v. FPPC

On January 22, 2002, four publishers of "slate mail" – Larry Levine, Tom Kaptain, Scott Hart and the California Republican Assembly – filed suit in Federal District Court alleging that the Act's slate mail identification and disclosure requirements (§§ 84305.5 and 84305.6) violate their constitutional rights. The first of these statutes contains identification and disclaimer provisions in effect prior to enactment of Proposition 208, while § 84305.6 was introduced by Proposition 34. The status conference originally scheduled for April 29 has been continued to July 29, 2002, to coincide with the hearing on the plaintiffs' motion for preliminary injunction before Judge Lawrence K. Karlton.

Fair Political Practices Commission v. Californians Against Corruption et al

This case is now pending before the Third District Court of Appeal. The case stems from the FPPC's 1995 administrative prosecution of a recall committee that failed to properly itemize its contributors, violating section 84211 of the Political Reform Act. In November 1995, the FPPC issued a default decision and order against the defendants, imposing an administrative penalty of \$808,000. In January 1996, the FPPC filed a collection action in the Sacramento Superior Court to reduce the penalty to a civil judgment. The defendants responded by filing a cross-complaint/petition for writ of mandate in the Superior Court, contesting the default decision. In July 2000, the Superior Court dismissed the defendants' cross-complaint/petition for writ of mandate for failure to prosecute. In March 2001, the Superior Court granted the FPPC's motion for summary judgment in the collection action, and ordered defendants to pay the \$808,000 penalty plus interest. The defendants then filed this appeal in April 2001 and filed their opening brief in October 2001. The FPPC filed its response brief in April. The next step in the litigation is for the defendants to file a reply brief. No date has been set for hearing at this time.

Bipartisan Internet Commission Meets, Considers Online Politics

By Scott A. Burritt
FPPC Executive Fellow

The first meeting of the Bipartisan California Commission on Internet Political Practices took place on March 8, 2002, at the state Capitol. The commission had a second meeting on April 26, 2002, at the University of Southern California Annenberg School for Communication in Los Angeles.

The California Legislature created the commission "to examine the various issues posed by campaign activity on the Internet in relation to the goals and purposes of the [Political Reform] Act," (Ch. 975 of 2000, AB 2720-Olberg) and to recommend legislative action where appropriate.

Originally slated to cease operations on January 1, 2002, the commission has been authorized by subsequent legislation to continue at least until October 1, 2002, and may receive additional time. The commission's report to the legislature is currently due September 30, 2002, but this deadline may also be extended.

On June 18, 2002, Senate Bill 879 (Brulte and Perata) was amended to extend the deadline for submittal of the commission's final report to December 31, 2003. The bill also would reappropriate the funds allocated to the commission. The bill passed the Assembly Elections Committee on June 25 and was re-referred to the Assembly Appropriations Committee.

The commission has 13 mem-

bers. Three were appointed by the Governor, six by legislative leadership, two by the Secretary of State, and two by the FPPC chairman. Former Assembly-member Keith Olberg, the author of the bill creating the commis-

pointed as co-vice chairs.

At the April 26, 2002, meeting, the commissioners formed subcommittees to investigate and report on issues related to fundraising, political communication and technology.

The next meeting of the full commission will be held in September at the University of California at Berkeley. For more information about the commission, including a list of members and links to news and meeting minutes, visit the FPPC's web site at www.fppc.ca.gov.



sion, is a member. Among the other members are experts in electronic commerce, political law, communications, and political campaigns.

At its March meeting, FPPC Chairman Karen Getman presented examples of Internet campaign tools used during the 2002 primary election, illustrating issues raised by innovative use of e-mail, video, distribution of campaign materials and web-based fundraising. Also at this meeting, the commission appointed L. Geoffrey Cowan, dean of the University of Southern California Annenberg School for Communication, as its chair. Deirdre K. Mulligan of the Boalt Hall School of Law and Susie Swatt, chief of staff to Sen. Ross Johnson (R-Irvine), were ap-

FPPC 2001 Annual Report Now Available

The FPPC's 2001 Annual Report is now available at the publications section of our web site, www.fppc.ca.gov.

The report highlights the major activities of the Commission during calendar year 2001. The 33-page publication includes charts, photographs and other features to better acquaint readers with the agency and its commissioners and staff members.

The report, which is in the widely used Adobe .pdf format, can be read, downloaded or printed. A limited number of printed copies also are available from the FPPC's Public Education Unit.

Legislative Update

Several important deadlines passed since the last *Bulletin*. April 26, 2002, was the last day for policy committees to hear fiscal bills. May 10 was the last day for policy committees to hear non-fiscal bills. On May 14 the governor's May budget revision was due. And May 31, 2002, was the last day for each house to vote on their bills.

Bills Proposing to Amend the Political Reform Act

AB 690 (Wesson) would provide that a candidate, committee or other organization may not expend campaign funds to pay for 1,000 or more similar telephone calls to support or oppose a candidate or ballot measure unless the name of the organization that authorized or paid for the call is disclosed during the course of each call. The bill has been amended to require the committee to retain a script or a recording of the call.

AB 1500 (Hertzberg) would require that initiative proponents provide all names of contributors of more than \$100 for the previous 12 months to the secretary of state within 30 days of requesting a title and summary. The bill would require committees that receive or spend \$1,000 or more to file monthly campaign reports. The bill would require committees that receive \$5,000 or more to electronically report



contribution within 48 hours. Committees would be required to disclose the names and amounts of contribution of the top five contributors on mass mailers. This bill is the vehicle for the findings of the Speaker's Commission on the California Initiative Process and is expected to be substantially amended before being moved out of the senate.

AB 1791 (Runner) would require that section 87200 filers and designated employees file their statements of economic interest within 10 days of their first day of employment.

AB 1797 (Harman) would require an office holder specified in section 87200 who has identified a financial interest in a decision to: (a) publicly state the nature of the conflict, except the disclosure of an exact street address of a residence is not required; (b) recuse himself or herself; (c) leave the room until the matter is concluded, unless the matter is on the consent calendar.

AB 2082 (Longville) would provide that campaign records must be available for public inspection in the offices of the secretary of state, registrar-recorder of Los Angeles county, registrar of voters of San Diego county and registrar of voters in San Francisco on the Saturday preceding an election in March. The bill would eliminate semiannual campaign statement filing for elected officials who do not have a controlled committee, received no contributions and did not make campaign expenditures.

AB 2134 (Longville) would repeal the ban on public financing of campaigns. If approved by the voters, this measure would create a system of matching contributions to legislative candidates, and provide the FPPC with funding and the administrative mandate to carry out provisions of the bill. If approved by the legislature, this proposed initiative would be on the ballot in the March 4, 2004 election.

AB 2366 (Dickerson) would provide that in jurisdictions with populations of 10,000 or less, retail sales income from a customer representing up to 1% of revenues would not be considered a disqualifying financial interest if the customers of the business constitute a significant segment (10%) of the public generally. The exception would apply regardless of whether 1)

(Continued on page 13)

Legislative Update

(Continued from page 12)

the customer affected by a governmental decision is a primary source of income to the public official or 2) the effect of the decision on the customer is significantly different from its effect on other retail customers.

AB 2642 (Maddox) would give the secretary of state authority to eliminate campaign reporting filings at the local level for state office candidates.

AB 3022 (Committee) would expand ethics training requirements to include all employees of a state agency who are required to file statements of economic interest. It would require attendance at the orientation course at least once every 2 years.

AB 3051 (Papan) would define a "broadcast advertisement," for independent expenditure disclosure purposes, to include a prerecorded telephonic message expressly advocating the election or defeat of a clearly identified candidate. The bill would require independent expenditure advertisements (broadcast and print, including mailings) to disclose the name of the committee paying for the ad, the cost of the advertisement, whether the advertisement is in opposition to or support of a candidate, and to include a disclaimer that the advertisement was produced with-

out the permission or authorization of a candidate.

SB 3 (Brulte) would prohibit a candidate, committee or slate mail organization from using campaign funds to pay for telephone calls to support or oppose a candidate or ballot measure unless the call announces that it was paid for or furnished by the candidate, committee or slate mail organization. Also amends the definition of "mass mailing" to provide greater specificity and expressly include items delivered by any means to a recipient's home, business, place of employment or post office box.

SB 300 (McPherson) would delete the requirement that elected officials who do not maintain committees file semi-annual campaign statements, provided they have made no expenditures and have collected no contributions. This bill may be amended in 2002 to add other recommendations of the Bipartisan ("McPherson") Commission on the Political Reform Act of 1974.

SB 584 (Committee) would eliminate the requirement that SEI filers disclose loans from commercial lending institutions made during the normal course of business.

SB 1620 (Knight) would require appointees to newly created state

agencies to provide full SEI disclosure prior to adoption of the agency's conflict-of-interest code.

SB 1741 (Johnson) would require late contribution reports to indicate whether contribution was a loan.

SB 1742 (Johnson) would prohibit candidates from returning contributions made to their own campaigns or controlled committees.

SB 1781 (Johnson) would increase the maximum penalty for failing to disclose an economic interest on the statement of economic interest from \$5,000 to \$10,000. Additionally, for unreported economic interests exceeding a value of \$500,000, the FPPC may add monetary penalties of the base amount plus 1% of the unreported economic interest.

SB 1782 (Johnson) would define "consultant" as anyone who performs substantially the same duties as an individual holding a position that is listed in the agency's conflict-of-interest code, or who is retained to make decisions that involve the making, or participation in the making, of decisions that may foreseeably have a material effect on financial interest. Agencies wishing to exempt consultants from filing SEIs must seek ap-

Legislative Update

(Continued from page 13)

proval from the FPPC, which shall maintain a list of all consultants so exempted.

SB 1783 (Johnson) For purposes of reporting economic interests, this bill would expand the term "jurisdiction" to include the state of California for state SEI filers.

SB 1806 (Knight) would pro-

hibit a person or a small contributor committee from making contributions to the governor during the period extending 30 days before, and ending the day after, the last day a governor may sign bills into law following adjournment of the legislature.

SB 1850 (Poochigian) would extend the deadline for candidates to file their SEIs to 10 days after

the last day to file their declarations of candidacy.

SB 2095 (Johnson) would require the secretary of state to link on its web site independent expenditures to the state candidates and initiatives for whom the independent expenditures were made.

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jmatthews@fppc.ca.gov

Please include your full name and title, agency or firm name (if applicable) and postal mailing address so we can remove your name from the regular mail distribution list. Beginning with the next issue, your copy of the *Bulletin* will be e-mailed directly to your desktop, in a user-friendly, printable format, instead of delivered through the regular mail.

Under current plans, regular mail delivery of the *Bulletin* will continue to those subscribers who do not request the e-mail version. But it is hoped that many subscribers will take advantage of the faster, convenient e-mail delivery system.

The e-mail version of the *FPPC Bulletin* is free, just like the printed version.

The *Bulletin* will be e-mailed as an attachment in Adobe .pdf format, a format that is now widely



used for distribution of publications. Current and past issues of the *Bulletin*, as well as other FPPC publications, already are available in this format on the FPPC web site, www.fppc.ca.gov.

Many computers already have the Adobe Acrobat Reader software installed. If you don't have it, you can obtain the software for free from the Adobe Systems Acrobat download site at:

<http://www.adobe.com/products/acrobat/readstep.html>.

The Clerks' Corner

Public Access to Statements of Economic Interests

By staff of the Technical Assistance Division

Now that you have received the 2001 annual statements of economic interests, it is a good time to remind you *why* public officials must disclose their personal financial interests.

Not only does disclosure remind public officials of the economic interests that may be the basis for a conflict, but members of the public have a right to know what economic interests *may* be a potential conflict of interest for the officials who are making governmental decisions on their behalf.

That is why the law requires that you make these statements available to the public on request.

Our Outreach Team is Ready to Help!

To arrange for an on-site visit, contact our Technical Assistance Division at 1-866-275-3772. We can help establish a logging system, show you how to review statements, review non-filer/late filer guidelines and assist you where you need help.

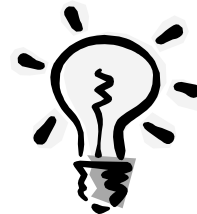


Points to remember:

- The statements must be made available during regular business hours.
- You may not charge more than 10¢ per page for copies. Even if your agency has a policy of charging more than 10¢ a page for other documents, the Political Reform Act only permits a 10¢ per page charge for statements of economic interests and campaign statements.
- You may charge a \$5 retrieval fee for statements five or more years old.
- No conditions for inspection or reproduction may be imposed. You may not demand a Public Records Act request be made for a statement.
- You may not ask an individ-

ual what they intend to do with the information they glean from a statement or ask if they are looking for something specific.

- No identification or information may be required of persons seeking access to statements.



Clerks!
The FPPC's toll-free advice line is also for you.
Call 1-866-ASK-FPPC with your questions on filing and other issues.

Commission Meeting Summaries

March

Commission Adopts Prop. 34 Regulations

At its March meeting, the Fair Political Practices Commission discussed and adopted several regulations further implementing Proposition 34.

Adoption of Regulations

The Commission voted to adopt the following regulations with specified revisions:

18520 – Describes the requirements concerning the statement of intention to be a candidate.

18537.1 – Allows state candidates to carry over campaign funds for a subsequent election to the same elective office without attribution.

Regulations up for Discussion

18521 – Requires a separate bank account and committee for each election.

18523 – Contains specific requirements for nondesignated contributions or loans.

18523.1 – Requires written solicitations for contributions to identify the specific controlled committee by name.

18572 – Defines lobbyist contributions.

18239 – Defines lobbyist.

18531.1 – Defines making a (lobbyist) contribution.

18215 – Further defines member communications.

18615 - 18616 – Requires lobbyist employers to keep detailed records of money used to influence legislative or administrative action.

Enforcement Actions

Campaign Reporting Violations

Maria Moreno, Committee to Elect Maria Moreno, and Paul Berger. Maria Moreno was an unsuccessful candidate for the Placentia City Council. Respondents failed to timely file a second pre-election campaign statement, in violation of Government Code section 84200.5 (one count); failed to file a late contribution report, in violation of section 84203 (one count) and failed to timely file a post-election semi-annual campaign statement, in violation of section 84200 (one count). \$3,800 fine (three counts).

Chino Valley's B.E.S.T. and Rolland Boceta. Chino Valley's B.E.S.T is a recipient committee that was primarily formed to

support a bond measure for the Chino Valley Unified School District. Rolland Boceta was the treasurer of that committee. Respondents failed to timely file a semi-annual campaign statement, in violation of Government Code section 84200(a). \$1,000 fine (one count).

Paul Treadway and the Committee to Elect Paul A. Treadway. Paul Treadway was an elected member of the governing board of the Chaffey Community College District in San Bernardino County. Respondents failed to timely file a semi-annual campaign statement in violation of Government Code section 84200(a). \$1,000 fine (one count).

James M. Gardiner, Committee to Elect Jim Gardiner Sheriff, and Robert E. Wacker. James M. Gardiner was an unsuccessful candidate for sheriff of San Luis Obispo County. Robert E. Wacker was the treasurer of Gardiner's controlled campaign committee. Respondents failed to report sub-vendor information on campaign statements, in violation of Government Code section 84303. \$500 fine (one count).

Robert van de Hoek and Van de Hoek for Malibu Council. Robert van de Hoek was an unsuccessful candidate for the Malibu City Council. Respondents failed to timely file a post-

Commission Meeting Summaries

election semi-annual campaign statement, in violation of Government Code section 84200. \$800 fine (one count).

Xochilt Ruvalcaba, Friends of Xochilt Ruvalcaba for South Gate City Council, and Maria Ruvalcaba. Xochilt Ruvalcaba was a successful candidate for the South Gate City Council. Respondents failed to timely file a second pre-election campaign statement, in violation of section 84200.5 (one count); a late contribution report, in violation of section 84203 (one count) and a post-election semi-annual campaign statement, in violation of section 84200 (one count). \$3,000 fine (three counts).

Eveline Ross and Friends of Eveline Ross. Eveline Ross was a successful candidate for the Inglewood Unified School District Governing Board. Respondents failed to timely file two pre-election campaign statements, in violation of Government Code section 84200.5(c). \$2,500 fine (two counts).

Cindy Montanez, Cindy Montanez for City Council '99, and Steven Veres. Cindy Montanez was a successful candidate for the San Fernando City Council. Respondents failed to timely file two post-election semi-annual campaign statements, in violation of Section 84200 (two counts). In addition, Montanez failed to timely file her 1999 annual statement of economic in-

terests, in violation of Government Code section 87203 (one count). \$2,600 fine (three counts).

West Kern Machinery, Inc. West Kern Machinery of Buttonwillow failed to file a major donor report, in violation of Government Code section 84200(b). \$400 fine (one count).

Long Beach Lesbian & Gay Pride, Inc. Long Beach Lesbian & Gay Pride, Inc. failed to file a major donor report, in violation of Government Code section 84200(b). \$400 fine (one count).

United Association Political Action Fund and Martin J. Maddaloni, Treasurer. United Association Political Action Fund is a Washington, D.C.-based general purpose committee, sponsored by the United Association of Journeymen & Apprentices of the Plumbing & Pipe Fitting Industry of the United States and Canada. The treasurer of the committee was Martin J. Maddaloni. Respondents failed to file two late contribution reports, in violation of Government Code section 84203. \$4,000 fine (two counts).

Late Contribution Report Violations - Streamlined Program

Failure to Timely File Late Contribution Reports - Proactive Program. The following persons and entities have entered

into stipulations for failure to file late contribution reports, in violation of Government Code Section 84203:

David Shimmon. David Shimmon of Los Altos Hills failed to timely disclose late contributions totaling \$100,000. \$2,000 fine (one count).

Fran Pavley for Assembly. Fran Pavley for Assembly of Agoura Hills failed to timely disclose late contributions totaling \$50,000. \$2,000 fine (one count).

Henry & Susan Samueli. Henry & Susan Samueli of Irvine failed to timely disclose late contributions totaling \$146,800. \$2,000 fine (one count).

IBM Corporation. IBM Corporation of San Jose failed to timely disclose late contributions totaling \$25,000. \$2,000 fine (one count).

Lou Correa for State Assembly. Lou Correa for State Assembly failed to timely disclose late contributions totaling \$53,000. \$4,000 fine (two counts).

Pacific Telesis Group (and its subsidiaries, affiliates of SBC Communications, Inc.). Pacific Telesis Group of San Francisco failed to timely disclose late contributions totaling \$100,000. \$2,000 (one count).

Commission Meeting Summaries

Parsons, Brinckerhoff, Quade & Douglas, Inc. Parsons, Brinckerhoff, Quade & Douglas, Inc. of New York, New York failed to timely disclose late contributions totaling \$10,000. \$1,500 fine (two counts).

Re-Elect Assemblywoman Carole Migden. Re-Elect Assemblywoman Carole Migden of San Francisco failed to timely disclose late contributions totaling \$133,000. \$16,000 fine (eight counts).

Roz McGrath for Assembly. Roz McGrath for Assembly of Los Angeles failed to timely disclose late contributions totaling \$50,000. \$2,000 fine (one count).

Wilma Chan for Assembly. Wilma Chan for Assembly of Oakland failed to timely disclose late contributions totaling \$35,000. \$2,000 fine (one count).

Yes on Prop 35 - Taxpayers for Fair Competition. Yes on Prop 35 - Taxpayers for Fair Competition of Sacramento failed to timely disclose late contributions totaling \$10,000. \$1,500 fine (one count).

Failure to Timely File Late Contribution Reports - Non-Proactive Cases. The following persons and entities have entered into a stipulation for failure to file late contribution reports, in violation of Government Code

Section 84203:

Reed & Davidson, LLP. The law firm of Reed & Davidson, LLP of Los Angeles, a paid consultant, caused a major donor committee to fail to timely disclose late contributions totaling \$15,000. \$2,000 fine (one count).

Democratic Senatorial Campaign Committee and treasurer Paul Johnson. The Washington D.C.-based Democratic Senatorial Campaign Committee failed to timely disclose a late contribution totaling \$50,000. \$2,000 fine (one count).

Conflict of Interest/Campaign Reporting Violations

Alfred Landers, Committee to Elect Al Landers, Friends of Al Landers, and Al Landers Mayor 99. Al Landers is a sitting city council member and former mayor of the City of Perris. Landers attempted to use his official position to influence governmental decisions in which he had a financial interest, in violation of Government Code section 87100 (2 counts). Additionally, Landers failed to disclose a business position and all sources of income on his statements of economic interests, in violation of Government Code sections 87207 and 87209 (2 counts). During the course of two mayoral campaigns, in 1997 and 1999, Landers and his controlled committees committed

numerous reporting violations, in violation of Government Code sections 84211 and 85201 (6 counts). \$15,000 fine (10 counts).

Conflict of Interest

Deborah Orlik. As a member of the La Canada Flintridge City Council, Deborah Orlik made a governmental decision in which she had a conflict of interest, by voting in closed session on whether to settle a lawsuit in which her spouse's law firm represented the real party in interest, in violation of Government Code section 87100. \$2,000 fine (one count).

Filing Officer Duties

California Department of Water Resources. As the filing officer for statements of economic interests filed by its designated employees, the California Department of Water Resources failed to determine whether energy consultants hired by the Department timely filed their assuming office statements of economic interests, and if not, promptly notify the consultants of their obligation to do so, in violation of Government Code section 81010. \$69,500 fine (52 counts).

Statements of Economic Interests

Chong Ha. As the director of the California State Stephen P.

Commission Meeting Summaries

Teale Data Center, Chong Ha failed to disclose two gifts on his 1996 annual statement of economic interests, in violation of section 87300. \$3,500 fine (two counts).

Statement of Economic Interests—Expedited

Bernard (Bud) Kroll and J.P. Morgan Investment Management Inc. Bernard Kroll, a primary Portfolio Manager for the CalPERS assets being managed by J.P. Morgan Investment Management Inc., failed to timely file an assuming office Statement of Economic Interests (one count), and a year 2000 annual Statement of Economic Interests (one count), in violation of Government Code sections 87200 – 87303. \$1,200 fine (two counts).

Megan Chernin. As a member of the Board of Trustees of the California State Summer School for the Arts in Beverly Hills, Megan Chernin failed to timely file her 1998 and 1999 annual Statement of Economic Interests, in violation of Section 87300. \$800 fine (two counts).

Default Decisions

Pam Garcia. Pam Garcia, a former Recreation and Parks Commissioner for the City of Pasadena, failed to timely file an annual Statement of Economic Interests (one count), and a leaving office Statement of Economic Interests (one count), in violation

of Government Code section 87300. \$2,000 fine (two counts).

April

Commission Adopts Additional Prop. 34 Regulations

At its April meeting, the Fair Political Practices Commission discussed and adopted regulations further implementing Proposition 34.

Adoption of Regulations

The Commission voted to adopt the following regulation with specified revisions:

18428 – (Amended) Describes reporting requirements for contributions by affiliated entities.

Regulations up for Discussion

18707.4 – Applies the “public generally” exception to members of boards and commissions who are appointed to represent a specific economic interest.

Enforcement Actions

Campaign Reporting Violations

Citizens for a Better La Puente and Alex Espinoza III. Citizens for a Better La Puente was a recipient committee primarily

formed to support two candidates for the La Puente City Council. Alex Espinoza III was the committee treasurer. Respondents filed a statement of organization with a false address, in violation Government Code section 84102 (one count); failed to maintain campaign records, in violation of Government Code section 84104 (five counts); sent mass mailings that failed to disclose the true address of the committee, in violation of Government Code section 84305 (two counts) and failed to disclose an expenditure, in violation of Government Code section 84211(k) (one count). \$18,000 fine.

Fidelity National Title Insurance Company. Fidelity National Title Insurance Company of Irvine, is a firm that provides title insurance and other real estate-related products and services in California. In 1998, Respondent reimbursed some of its employees for making campaign contributions to state and local candidates, in violation of Government Code sections 84301 and 84300(c) (nine counts). \$16,000 fine.

Union of American Physicians & Dentists Medical Defense Fund Electoral, and Peter A. Statti, M.D. Union of American Physicians & Dentists Medical Defense Fund Electoral of Oakland, is a general purpose recipient committee, sponsored by the Union of American Physicians

Commission Meeting Summaries

& Dentists, an affiliate of the American Federation of State, County and Municipal Employees. Respondent and its treasurer, Peter A. Statti, M.D., failed to itemize individual contributions on campaign statements, in violation of Section 84211(f) (two counts). \$2,000 fine.

Conflict of Interest

Lorene Scalora. Scalora, a Planning Commissioner for the City of Pinole, voted on a planned housing development that was located within 300 feet of her personal residence, in violation of Government Code section 87100 (one count). \$2,000 fine.

Statement of Economic Interests—Expedited

Donna Coonan. Coonan, a former Assistant Finance Director for the City of Daly City, failed to timely file a year 2000 annual statement of economic interests and a leaving office statement of economic interests, in violation of Government Code section 87300 (two counts). \$800 fine.

David Smith. Smith, a Public Investment Manager for the California Public Employees Retirement System, failed to timely file a year 2000 annual statement of economic interests, in violation of Government Code sections 87200-87302 (one count). \$300 fine.

Late Contribution Report Violations - Streamlined Program

Failure to Timely File Late Contribution Reports - Proactive Program. The following persons and entities have entered into stipulations for failure to file late contribution reports, in violation of Government Code Section 84203:

Dario Frommer for Assembly. Dario Frommer for Assembly, a candidate committee based in Los Angeles, failed to timely disclose late contributions totaling \$39,306. (three counts). \$6,000 fine.

Harris & Associates. Harris & Associates of Concord failed to timely disclose late contributions totaling \$10,000. (one count). \$1,500 fine.

Psomas. Psomas, a Los Angeles business, failed to timely disclose late contributions totaling \$18,981. (five counts). \$2,847 fine.

Girardi & Keese. The law firm Girardi & Keese of Los Angeles failed to timely disclose late contributions totaling \$15,000. (two counts). \$2,250 fine.

HAT PAC. HAT PAC, a Sacramento-based general purpose committee, failed to timely disclose late contributions totaling \$12,000. (one count). \$1,800 fine.

George Martin and Borton Petrini & Conron, LLP.

George Martin and Borton Petrini & Conron, LLP, of Bakersfield, failed to timely disclose late contributions totaling \$13,000. (five counts). \$1,950 fine.

Robert Abernethy. Abernethy of Los Angeles failed to timely disclose late contributions totaling \$12,000. (three counts). \$1,800 fine.

Marc & Jane Nathanson and Mapleton Investments & Affiliated Entities. Marc & Jane Nathanson and Mapleton Investments & Affiliated Entities of Los Angeles failed to timely disclose late contributions totaling \$40,300. (two counts). \$4,000 fine.

Calpine Corporation and its affiliate Calpine and Bechtel Joint Development. Calpine Corporation of Sacramento, and its affiliate Calpine and Bechtel Joint Development, failed to timely disclose late contributions totaling \$15,000. (four counts). \$2,250 fine.

PBS&J. PBS&J, an Irvine company, failed to timely disclose late contributions totaling \$20,000. (one count). \$2,000 fine.

Marshal Ezralow & Affiliated Entities. Marshal Ezralow & Affiliated Entities of Calabasas failed to timely disclose late con-

Meeting Summaries

tributions totaling \$15,000. (one count). \$1,030 fine.

Civil Litigation Enforcement Action

The Fair Political Practices Commission and the Political Education Committee of the AFL-CIO have agreed to a \$22,000 civil settlement for failing to properly disclose more than \$3 million in campaign expenditures and contributions to Californians to Protect Employee Rights, a committee opposing Proposition 226 on the June 1998 ballot. The civil action was filed by the FPPC on Feb. 28, and approved on March 7 by Superior Court Judge Sheldon H. Grossfeld. According to the complaint, on March 19, 1998, the AFL-CIO political education committee and Treasurer Richard L. Trumka made a \$1 million contribution to the Californians to Protect Employee Rights Committee, which opposed Proposition 226 on the June 1998 primary Ballot. They made additional contributions of \$1,981,000 to the same committee between April 1 and May 8, 1998, and on May 11 received a contribution of \$100,000. Under the Political Reform Act, according to the complaint, "defendants were required to report that they had received contributions and that they had made contributions" on pre-election state-

ments. "Defendants did not file a second pre-election campaign statement for the period January 1, 1998 through May 17, 1998, with the Secretary of State's Office or with the Registrar of Voters of the City and County of San Francisco," in violation of Sections 84200.5(d) and 84200.7 (c) of the Political Reform Act, according to the complaint. However, the complaint notes, the committee did file a second pre-election statement for that period with the Los Angeles County Registrar-Recorder. The civil stipulation was signed by representatives of the AFL-CIO committee on Feb. 26. Because the case was handled as a civil lawsuit, the FPPC was the plaintiff in the suit, and the terms of the settlement were brought before the commission for approval during an earlier closed-session discussion of pending litigation.

...California Ethics Agencies Meet

(Continued from page 5)

Enforcement

FPPC enforcement division chief Steve Russo described the success of the FPPC's streamlined enforcement programs, which are aimed at improving compliance with the Political Reform Act. Russo also discussed the FPPC's ongoing coordination with local district attorneys in investigating and prosecuting certain major violations of the Political Reform Act.

Legislation

Of particular interest were three state legislative proposals that would have a significant impact on local ethics agencies:

- AB 2642 (Maddox) would give the Secretary of State authority to eliminate campaign disclosure at the local level for state office candidates.
- AB 1791 (Runner) would require public officials and designated employees to file statements of economic interest within 10 days of taking office.
- AB 1797 (Harman) would require that if a public official faced with a governmental decision has or may have a conflict of interest, the official must state the nature of the conflict, recuse himself or herself, and leave the room.

FPPC Advice Summaries

Formal written advice provided pursuant to Government Code section 83114 subdivision (b) does not constitute an opinion of the Commission issued pursuant to Government Code section 83114 subdivision (a) nor a declaration of policy by the Commission. Formal written advice is the application of the law to a particular set of facts provided by the requestor. While this advice may provide guidance to others, the immunity provided by Government Code section 83114 subdivision (b) is limited to the requestor and to the specific facts contained in the formal written advice. (Cal. Code Regs., tit. 2, §18329, subd. (b)(7).)

Informal assistance is also provided to persons whose duties under the act are in question. (Cal. Code Regs., tit. 2, §18329, subd. (c).) In general, informal assistance, rather than formal written advice is provided when the requestor has questions concerning his or her duties, but no specific government decision is pending. (See Cal. Code Regs., tit. 2, §18329, subd. (b)(8)(D).)

Formal advice is identified by the file number beginning with an "A," while informal assistance is identified by the letter "I."

Campaign

Michael S. Mitchell, CPA

Bob Dutton for Assembly

Dated January 18, 2002

Our File Number: A-01-210

The exception to the contribution limits provided in section 85301(d) does not apply to contributions from an entity's fund to a candidate's campaign.

Mike Voorhees, Treasurer

Friends of Sheriff Jim Piccinini

Dated January 3, 2002

Our File Number: A-01-246

Campaign funds may be used to make contributions to other candidates so long as the expenditure is reasonably related to a political, legislative or governmental purpose.

Jason D. Kaune

McNally Temple Associates

Dated January 22, 2002

Our File Number: I-01-292

There is not a conclusive presumption of coordination between candidate and committee when the candidate and committee employ the same political consultant.

Peter A. Bagatelos

Bagatelos & Fadem, LLP

January 22, 2002

Our File Number: I-01-297

A committee that is either directly or indirectly controlled by a candidate is a controlled committee. The term "related committee" as used in Section 5 of Form 460 is not intended to be substantively definitional of another category of committee under the Act.

James R. Sutton

Nielsen, Merksamer, Parrinello,

Mueller & Naylor, LLP

Dated January 31, 2002

Our File Number: I-02-001

Government Code § 84106.5 continues to be printed in Deering's "Official Codes of California," but is not printed in the version of the Act published by the FPPC, since the FPPC was enjoined from enforcing the statute, on constitutional grounds, in 1991.

Fiona Ma, Treasurer

Re-Elect Treasurer Susan Leal

Dated January 30, 2002

Our File Number: A-02-005

Campaign funds may be transferred between a local candidate's committees. However, if the funds transferred are surplus, the committee receiving the funds may spend the funds in accordance with the "surplus funds" rules.

Gregory Reese

California State Assembly

Dated January 25, 2002

Our File Number: A-02-016

The involvement of a candidate in the composition of a photograph and in drafting a statement to the specifications of a committee that will use them in a brochure supporting the candidate is a level of coordination that precludes classification of the brochure as an "independent expenditure."

John G. Barisone, City Attorney
City of Santa Cruz

Dated February 14, 2002

Our File Number: I-01-201

The city's proposed revisions to its local voluntary campaign expenditure ordinance, which would introduce a campaign contribution limi-

FPPC Advice Summaries

tation component to the ordinance, is not generally, inconsistent with the Act.

**Angie Zimmerman, Secretary-Treasurer
El Dorado Hills Incorporation Committee**

Dated February 5, 2002

Our File Number: A-01-204

A committee seeking the right to vote for city incorporation through the LAFCO process must file its Statement of Organization (Form 410) within 10 days of receiving contributions totaling \$1,000 or more in a calendar year, but the 10-day filing period does not begin to run until the necessary legislative body approves the placement of the incorporation issue on the ballot.

**Trent J. Benedetti, CPA
California Legislature**

Dated February 11, 2002

Our File Number: A-01-222

This letter discusses the campaign reporting obligations for candidates whose elections have changed due to redistricting.

**C. April Boling, CPA
California Assembly**

Dated February 20, 2002

Our File Number: A-01-223

The proceeds of a loan made to a candidate by a commercial lending institution for which the candidate is personally liable, which the candidate then lends to his or her campaign, do not count toward the \$100,000 loan limit of Government Code § 85307(b). Several other issues related to section 85307 and regulation 18530.8 are also addressed.

**Larry Walker
Larry Walker Auditor Committee**

Dated February 8, 2002

Our File Number: A-01-302

This letter advises on the proper procedures for reporting receipts from a joint fundraiser.

**Gene H. Kezirian, Treasurer
Phil Larson for Supervisor**

Dated February 8, 2002

Our File Number: A-02-004

A candidate running in two elections on the same day for two seats on the board of supervisors is not required to apportion expenditures between his two committees, if he chooses to run a single campaign through just one of the two committees.

**Craig McGlynn
Digiphi Media Group**

Dated February 25, 2002

Our File Number: I-02-023

The Act and Commission regulations do not currently prescribe special rules for slate mailers disseminated through electronic media. If materials disseminated on a CD-ROM meet the criteria of "slate mail," the sender must comply with the Act's conventional filing and disclosure requirements.

**Lance H. Olson
California Conservation Campaign**

Dated February 21, 2002

Our File Number: A-02-029

Under the facts presented, the California Conservation Campaign committee, newly formed to support a variety of ballot measures over time, but currently supporting only Proposition 40 on the March 5, 2002 ballot, may register as a general purpose committee.

**Duane Dichiaro
Mark Wyland for Assembly**

Dated February 26, 2002

Our File Number: I-02-040

The letter discusses the Proposition 34 contribution limits from state candidates to other state candidates (section 85305), and from state candidates to PACs (section 85303(a)). In addition, it discusses contributions from an incumbent to an independent expenditures PAC, in light of sections 85501 and 82016.

**John A. Ramirez
California Assembly**

Dated February 26, 2002

Our File Number: A-02-041

Pursuant to Government Code § 85305, a candidate for state Assembly running in the November 2002 election may make a maximum contribution of \$3,000 to a candidate running for governor in the November 2002 election.

**Sandi Bush, Chairman
Pioneer Fire Protection District**

Dated April 15, 2002

Our File Number: I-02-015

The letter discusses campaign reporting obligations and prohibitions that may apply if a local fire district makes contributions or expenditures supporting a parcel tax or property assessment.

**Peter A. Bagatelos
Dated April 18, 2002**

Our File Number: I-02-038

Payments advanced by owners and promoters of a slate mailer organization, to cover costs associated with production and distribution of slate mail, are reportable "receipts" under Gov't. Code § 82419.

FPPC Advice Summaries

Edward C. Noonan

**Candidate for Secretary of State
Dated April 29, 2002**

Our File Number: G-02-107

This letter provides information related to section 91013 and the authority of local filing officers to impose late filing penalties. The Act does not provide an appeal process, and the Commission has no authority to rescind or waive fines imposed by local filing officers.

Conflicts of Interest

**Quinn M. Barrow, City Attorney
City of Seal Beach**

Dated January 28, 2002

Our File Number: A-01-260

A public official whose spouse is employed by a subsidiary of a corporate entity that owns a large parcel of mostly undeveloped property did not have a disqualifying conflict of interest that would preclude him from appointing a committee member to the city council's "citizen's committee" if he has no financial interest in the appointment decision, has no discussion or understanding with the potential appointee regarding preferred uses of the property, and the potential appointee has taken no position or otherwise expressed opinions regarding the preferred use of the property. However, the official does have a disqualifying conflict of interest as to other decisions related to the corporation's development of the property.

T. Brent Hawkins

City of Brentwood

Dated January 11, 2002

Our File Number: A-01-261

The effect of merged redevelopment areas in a city results in dis-

qualification of city council members even though individual governmental decisions originally may have impacted only one redevelopment area.

**Lynn G. Bedford, Supervisor
San Joaquin County Board
of Supervisors**

Dated January 29, 2002

Our File Number: I-01-266

A county supervisor with property on the border of the new town community about which the board of supervisors will have to make various decisions over the next several years will have to consider each decision on a case-by-case basis, following the steps of the conflict-of-interest analysis outlined in the letter and applying the standards appropriate to each specific decision.

Ronald R. Ball

City of Carlsbad

Dated January 23, 2002

Our File Number: A-01-279

A city council member who previously was found to have a conflict of interest in a decision regarding the placement of a desalination plant near his home, is now allowed to participate in the decision. The letter applies an exception to the rule that the distance from real properties involved in a conflict analysis is measured from parcel boundaries. Instead, the letter endorses measuring a further distance, from the official's home to the actual site of the project.

Roger A. Brown

Peninsula Health Care District

Dated January 15, 2002

Our File Number: A-01-286

A request for reconsideration of the *Coffey* Advice Letter, No. A-01-064 where we concluded that a member

of a health care district board may not participate in settlement decisions involving litigation with a hospital and earthquake compliance issues where the hospital is a source of income to her. The *Coffey* analysis and conclusion were reaffirmed in the letter since no new facts were provided.

**Peter N. Brown, City Attorney
City of Carpinteria**

Dated January 8, 2002

Our File No. A-01-287

A public official may appear as any member of the general public before an agency in the course of its prescribed governmental function, to represent himself on matters related solely to his personal interests, but may not act as a spokesperson on behalf of any other group or individual. When acting on his own behalf, he may communicate with the media, but may not contact members of the governing board regarding the issue, and when speaking with the media or members of the public, he must make it clear that he is not acting as the spokesperson for any person or group other than himself.

**Terence R. Boga, Assistant City
Attorney**

City of Seal Beach

Dated January 7, 2002

Our File Number: I-01-293

A mayor and a city council member, who have real property interests in their respective residences and common areas in a housing complex, may make a governmental decision concerning a development that is more than 500 feet from their respective residences, but less than 500 feet from the common areas of the complex, if after separately applying the appropriate materiality

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standards to their residential interests and their common area interests, there is no reasonably foreseeable material financial effect on the interests. The “public generally” exception may apply, if a significant segment of the public is affected in a similar manner.

Eric Grant
Simon for Governor
Dated January 29, 2002

Our File Number: I-01-299

A candidate for statewide elective office may be required to report on his statement of economic interests (Form 700), investment interests in charitable lead annuity trusts (CLATs) in which he has remainder beneficiary interests for each interest that is valued at \$2,000 or more. The candidate may rely upon an appraisal by a disinterested qualified appraiser in determining the value of such interests.

Sharee Washer
California Valley Community Services District
Dated January 23, 2002

Our File Number: I-01-304

The director of a community services district is not precluded from participating in a decision affecting an upgrade to a fire station even though the member is also a volunteer firefighter for the California Department of Forestry.

David A. DeBerry
City of Orange
Dated January 8, 2002

Our File Number: I-02-002

A general discussion of legally required participation as applied where a member of the decision-making body is unavailable. Discusses *In re Tobias* (1999) 13 FPPC Ops. 5.

Nathan Randal
City of Monterey Park
Dated January 18, 2002

Our File Number: I-02-007

The Act does not bar private employment. However, the conflict-of-interest provisions may require the official to disqualify himself from a specific decision affecting that private business. Government Code § 1090 also imposes restrictions on officials contracting with their own agencies. The Office of the Attorney General advises on § 1090.

Steven T. Mattas
City of Milpitas
Dated February 20, 2002

Our File Number: A-01-290

If, after applying the appropriate materiality standards, there will be no reasonably foreseeable material financial effect on a public official's economic interests in his estranged wife's business, he may participate in the governmental decision regarding a proposed specific plan for an area that is located more than 500 feet from the business.

Scott C. Smith
Santee City Council
Dated February 11, 2002

Our File Number: I-01-294

A holdover tenant does not have an economic interest in real property on which her business is located.

Diane Smith
Yucaipa City Council
Dated February 8, 2002

Our File Number: I-02-006

The requestor seeks advice regarding acceptance of employment, paid by a 501(c)(3) non-profit foundation. The requestor, a member of both the city council and redevelopment

agency, seeks advice whether being a public official will impact on the 501(c)(3) foundation's fundraising activity within the public official's jurisdiction. A brief discussion of controlled committees, with regard to the charitable foundation being construed as the candidate's controlled committee.

Dave Larsen
Town of Loomis
Dated February 5, 2002

Our File Number: A-02-009

A payment from a losing plaintiff to a law firm in settlement of attorney fees and costs did not under these facts make the plaintiff a source of income to a council member who was a defendant in the lawsuit. A planning commissioner does not have a source of income in individuals who are a source of income to her spouse's law firm because her spouse has less than a 10 percent ownership interest in the firm.

George Luna, Councilman
City of Atascadero
Dated February 26, 2002

Our File Number: A-02-018

This is a request for advice concerning conflict of interest. An Atascadero city council member's spouse serves as an unpaid member of the board of a local historical society. The historical society and its board members, individually, are named among others as defendants in a claim filed against the city. The council member is advised that he has a disqualifying conflict of interest and must recuse himself from decisions of the city council concerning the claim and litigation arising from the claim.

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Sky Woodruff, Assistant City Attorney

City of Oakley

Dated March 13, 2002

Our File Number: A-01-157

The Act requires disqualification on a decision-by-decision basis; it does not establish a bar to holding office. However, in cases where a decision will have a foreseeable and material financial effect on an official's economic source of income, income includes the official's community property interest in the income of his spouse.

Larissa M. Seto, Asst. City Attorney

City of Pleasanton

Dated March 19, 2002

Our File Number: A-01-217

A public official does not have an economic interest in investments of a nonprofit, a source of income to him. Payments received from a private annuity with an individual constitute income.

Randall A. Hays

City of Lodi

Dated March 18, 2002

Our File Number: I-01-252

A public official who has conflicts of interests on redevelopment issues by virtue of her husband's holdings within the redevelopment project area would continue to have conflicts of interests on the redevelopment issues if her husband sold his real property interests and converted his deeds of trust, secured by real property in the redevelopment project area, into unsecured notes. She will have an economic interest in the buyers of the real property for 12 months after the sale, and the obligees on the deeds of trust will remain sources of income to her after the deeds of trust are converted

to unsecured notes, and because the notes were secured by real property within the redevelopment project area prior to their conversion to unsecured notes, she has a continuing economic interest in these sources of income connected to the redevelopment project for 12 months after the transactions converting the notes.

Frederick G. Soley

City of Vallejo

Dated March 12, 2002

Our File Number: I-01-269

The fact that a city attorney rents a mobile home space does not, by itself, create a conflict of interest disqualifying the city attorney from rendering legal advice to the city's Mobile Home Rent Review Board.

Mark D. Hensley

City of El Segundo

Dated March 26, 2002

Our File Number: A-01-291

A public official may not vote on land use entitlements sought by a developer with contingent interest in real property whose current owner is a business entity that employs the official's spouse. The developer acts as the agent of the landowner in pursuing these land use entitlements, and the landowner/employer is therefore, directly involved in these land use decisions.

Pamela Thompson, City Attorney
City of San Bruno

Dated March 6, 2002

Our File Number: A-02-024

Once a redevelopment area has received its designation, a city council member may participate in decisions to adopt certain housing assistance and home repair programs targeted to the redevelopment area,

when the council member is a co-owner of rental property located within the redevelopment area. This advice is predicated on council members' clear and unequivocal waiver of any benefits otherwise available under these programs.

Roger A. Brown

Peninsula Health Care District

Dated March 6, 2002

Our File Number: I-02-026

The conflict of interest provisions of the Act do not provide an exception for "procedural" votes. Each governmental decision must be analyzed to see if it is reasonably foreseeable that the decision will have a material financial effect on the official's economic interests. Procedural votes may be interlinked with decisions that will have a material financial effect on the official.

Tei Yukimoto

City of Fresno

Dated March 12, 2002

Our File Number: I-02-031

A public official may participate in decisions concerning development of a new regional medical center, provided that the decisions have no reasonably foreseeable material impact upon her spouse's financial interest in or income from a medical malpractice legal practice in which the spouse holds a 4% ownership interest as a partner.

T. Brent Hawkins

City of Brentwood

Dated March 19, 2002

Our File Number: A-02-032

This letter focuses on a discussion of the "public generally" exception in a conflicts analysis of a city official's participation in decisions about a redevelopment project

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which may affect a business he owns.

Huston T. Carlyle, Jr.
City of San Bernardino
Dated March 13, 2002

Our File Number: A-02-033
 This letter concludes that a San Bernardino city council member may participate in city council decisions affecting the city's firefighters. The city council member is a co-owner of a printing business which received income from a PAC which, in turn, was funded solely by the firefighters' union. It is not reasonably foreseeable that decisions affecting the firefighters will have a material financial effect on the PAC.

Hilda Cantù Montoy
City of Fresno
Dated March 26, 2002

Our File Number: A-02-037
 This letter analyzes the potential conflict of a mayor with economic interests in the film industry in the context of the city's decision as to whether to become involved in promoting the city as a location for film production.

Robert J. Lanzone, Town Attorney
Town of Woodside
Dated March 22, 2002

Our File Number: A-02-046
 A town council member employed by Stanford University may participate in decisions concerning the development of a private school. Stanford University, as owner of the land adjacent to the project site, will not be materially financially affected by decisions regarding the private school since the access road which runs across the Stanford property is already subject to an

agreement in principle with school officials, and access rights were granted without financial remuneration to Stanford University.

Lori J. Barker, Asst. City Attorney
City of Chico
Dated March 8, 2002

Our File Number: A-02-049
 In a case where a business entity collects funds as an agent for its employer, the funds held by the business entity for the employer are not a part of the gross revenue of the business entity. The funds are collected by the business entity for the employer and it serves merely as an intermediary for the employer.

Thomas R. Curry, City Attorney
City of Sonoma
Dated March 4, 2002

Our File Number: A-02-051
 A council member who rents a home on a month-to-month basis, does not have an economic interest that can result in a conflict of interest.

Kevin G. Ennis, Asst. Special Counsel
City of Palmdale
Dated March 6, 2002

Our File Number: A-02-053
 An official who is a real estate professional has a conflict of interest in a redevelopment decision where any source of income will be materially affected. In the case of a buyer who purchased a home more than 500 feet from the boundaries of the redevelopment area, the effect is presumed not to be material and the council member will not have a conflict of interest.

John P. Fraser
El Dorado Irrigation District
Dated March 27, 2002

Our File Number: A-02-054
 An elected director on the board of a public water supplier whose residence was within a ½ mile of the site of a proposed Indian casino, causing indirect involvement of his property in the decision, was precluded from making, participating in making or influencing a decision as to whether the Indians' rancheria would receive greater supplies of water, thus making it possible for them to build their casino, because specific circumstances existed that made it reasonably foreseeable that the district's decision would have a material financial effect on his property, and the presumption of non-materiality was rebutted.

Shirley J. Hoch
South San Francisco Unified School District
Dated March 26, 2002

Our File Number: A-02-060
 A school board member has a disqualifying conflict of interest prohibiting her participation in decisions as to whether to accept a gift of funds from the South San Francisco Foundation for Youth, should she before that decision accept a salary in connection with her presently unpaid position as executive director of that foundation. The decision of the foundation board to lease classroom space from the South San Francisco Unified School District is not subject to the Act's conflict-of-interest provisions.

George Luna, Councilman
City of Atascadero
Dated March 20, 2002
Our File Number: A-02-064

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A suit was filed against the City of Atascadero, its school district, Cal-Trans and unnamed defendants DOES 1-100. The suit is based on alleged actions or failures to act by the defendants. A council member's spouse who is a director of the Atascadero Historical Society, was a named defendant in the underlying administrative claim which was denied by the city council. The council member is advised that he may participate in council decisions concerning the suit if his spouse is named as a defendant, if she is protected against any material financial effect of the suit under an indemnification agreement signed by the Atascadero Historical Society.

Yvette Lane
Ceres Unified School District
Dated March 22, 2002
Our File Number: A-02-069

The Act requires disqualification on a decision-by-decision basis; it does not establish a bar to holding office. However, in cases where a decision will have a foreseeable and material financial effect on an official's economic source of income, income includes the official's community property interest in the income of his spouse.

Barbara Kaufman, Chairwoman
San Francisco Bay Conservation & Development Commission
Dated April 8, 2002
Our File Number: I-01-118

A public official has an economic interest in a California corporation where the City and County of San Francisco is the sole shareholder, and will have a conflict of interest if it is reasonably foreseeable that this corporation will be materially affected by a decision before her agency.

Laura J. Roberts
Lassen County Children & Families Commission
Dated April 30, 2002
Our File Number: I-01-300

The Act does not prohibit assumption of public office by a person who has received a grant from the agency to which he or she is later appointed. Receipt of such grants by a sitting commissioner may be prohibited by Government Code § 1090.

David H. Hirsch
City of Simi Valley
Dated April 15, 2002
Our File Number: I-02-008

A council member will not have an economic interest in a donor to her nonprofit employer. However, she must still apply the conflict-of-interest analysis with regard to each decision.

Matt Grocott
City of San Carlos
Dated April 12, 2002
Our File Number: A-02-028

A city council member who is a professional building designer is limited in his representation of clients before boards and commissions that are either appointed by or subject to the budgetary control of the city council. He may prepare and submit drawings of an architectural, engineering or similar nature to the necessary offices or agencies on behalf of clients. However, contact with agency staff must be limited to responding to staff questions and communicating with staff regarding the movement of drawings and submissions through the approval process and, if necessary, obtaining clarification of staff requests for revisions. He may not appear on behalf

of a client before any boards or commissions whose members are appointed by or those which are subject to the budgetary control of the city council. Although he may attend meetings at which one of his client's projects is being considered, he may not in any way assist in the presentation of the project to the committee, commission or council by providing information or advice to the presenter.

Lori J. Barker
City of Chico
Dated April 30, 2002
Our File Number: I-02-050

A public official who owns a residence that is adjacent to and within 500 feet of a long, narrow parcel of public property will have a presumptive conflict of interest in decisions that may come before his decision-making body regarding portions of the property that are within 500 feet of his residence and decisions that will affect the parcel of property in general. The official will have no presumptive conflict of interest in decisions regarding portions of the parcel that are farther away from his residence than 500 feet and only have a localized effect. The presumption of material financial effect may be rebutted by demonstrating that a decision will have no financial effect whatsoever on his real property interest in the residence.

William R. Warne
Orange City Main Library
Dated April 2, 2002
Our File Number: I-02-052

This informal advice letter discusses the conflict of interest rules in the context of a trustee of a public library system who has eco-

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conomic interests near the public library.

Heidi A. Boitano
City of Sutter Creek
Dated April 10, 2002

Our File Number: I-02-057

The letter generally discusses the various conflicts of interest that may arise as a result of a public official's ownership interest in a parking lot and the payments she might receive from her agency in return for its use of the lot. The requestor was also referred to the Office of the Attorney General for further assistance.

John R. Salvage
No. Coast Regional Water Control Board

Dated April 18, 2002

Our File Number: I-02-065

This informal advice letter discusses the conflicts of interest rules in the context of a member of a regional water quality control board who, until recently, was a co-owner of an engineering firm. Though the official divested himself of an ownership interest in the firm, the holding of a security interest in stock in the firm results in the continued possession of an investment interest in the firm.

Kathy Chew
Mountains Recreation & Conservation Authority
Dated April 10, 2002

Our File Number: I-02-071

An agency seeks advice whether conflict-of-interest provisions of the Act bar the agency from employing a consultant who will also be simultaneously employed by a nonprofit organization to raise funds which then donates the proceeds to the agency. The agency is given infor-

mal assistance stating that the Act does not prohibit individuals from serving as public officials.

Scott Vurbeff
Dated April 17, 2002
Our File Number: A-02-075

A city employee may accept private clients and render environmental consulting services, provided the employee does not participate in or influence city governmental decisions which may have a material financial effect upon his private consulting business or clients thereof. The "nexus" test would apply should the employee accept a retainer to accomplish the same goal for a client or purpose for which the employee would accomplish by virtue of his participation in the governmental decisions of his city employer.

Michele R. Vadon
City of Dana Point
Dated April 11, 2002
Our File Number: A-02-080

A city council member's residence is located within 500 feet of property to be acquired for a public access way. Based on an independent appraisal providing reasonable and objective evidence that the project will have no material financial effect on the council member's residence, the council member does not have a disqualifying conflict of interest and may participate in city decisions concerning acquisition of public access way.

Tony Daysog, Councilmember
City of Alameda
Dated April 19, 2002

Our File Number: A-02-087

The Act does not prohibit a public official from simultaneously serving as a public official and being

employed privately. Rather, the Act prohibits public officials from making, participating in making or using their positions to influence a governmental decision which will have a reasonably foreseeable material financial effect on their financial interests.

Paul J. Luellig, Jr., Chair
Barstow Redevelopment Agency
Dated April 26, 2002

Our File Number: I-02-097

The requestor sought third party advice, including advice as to past conduct. A response was sent declining to advise and enclosing material regarding complaint process at FPPC.

Conflict of Interest Code

Sue Vannucci, City Clerk
City of Woodland
Dated February 7, 2002
Our File Number: I-01-298

If a commission has decision-making authority, its members are public officials and should be designated in the agency's conflict of interest code. Being designated in the agency's conflict of interest code will require commission members to file SEIs.

Stephen J. Kaufman
California Climate Action Registry
Dated February 4, 2002

Our File Number: A-01-303

Under the *Siegel* test, the California Climate Action Registry is a state agency under the Act and is required to adopt a conflict of interest code.

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**Denese Matthes, Director
Boulder Creek Recreation &
Park District**

Dated February 6, 2002

Our File Number: I-02-010

The requestor seeks advice on voting procedures under the Public Resource Code sections 5782.16 and 5782.17. These codes are outside the jurisdiction of the Political Reform Act, and informal assistance was provided.

**Nancy A. Dillon, MMC
City of Thousand Oaks**

Dated April 17, 2002

Our File Number: I-02-058

This letter provides comments to the City of Thousand Oaks concerning their resolution regarding formal guidelines for notification of filing obligations and the waiving/imposing of late fines for delinquent filers of Statements of Economic Interests, Form 700.

Gift Limits

**Kathleen Walsh, General Counsel
California Air Resources Board**

Dated April 24, 2002

Our File Number: I-01-270

This letter advises the California Air Resource Board general counsel that its employees may apply for zero emission vehicle grants from the state. These grants are rebates which, because they are offered in the regular course of business without regard to official status, are exempt by statute from treatment as a gift and are not subject to gift limits or gift reporting.

Lobbying

**Ellen McCormick
Astra-Zeneca Pharmaceuticals,
LP**

Dated January 29, 2002

Our File Number A-02-013

The Commission is not authorized to grant a waiver of the ethics training requirement in § 86100(a).

**Scott M. Lay
Community College League of
California**

Dated February 1, 2002

Our File Number: I-01-045

This informal advice letter discusses generally, the prohibition on lobbyist contributions.

**Gretchen Riddell-Belli
City of Taft**

Dated April 11, 2002

Our File Number: A-02-079

Researching public documents and providing a summary of the proposed local government projects to state officials does not constitute lobbying, as long as there is no attempt to influence legislative or administrative action.

Revolving door

**Ronald W. Wong
Ronin International Advisors**

Dated January 29, 2002

Our File No. A-02-003

Application of the revolving door restrictions of section 87406(d)(1) to the former chief deputy appointments secretary in the Governor's office. For a period of one year, he may not make formal or informal communications with members of the Governor's office or a state agency under the Governor's control, for the purpose of influencing

legislative or administrative action or action on a proceeding.

**Elyssa Wong
Legislative Council Secretariat-
Hong Kong**

Dated February 4, 2002

Our File Number: G-02-020

A general inquiry regarding whether there are any restrictions in the PRA that would prohibit former members of government from accepting compensated appointments to public office positions.

**Carl Washington, Assemblyman
California Legislature**

Dated February 11, 2002

Our File Number: A-02-034

Section 87407's prohibition on making a governmental decision that will directly affect an entity with which a state officer or employee has an arrangement concerning prospective employment does not apply to an assemblyman whose prospective employer is a California community college. Regulation 18747(d)(3) specifically states that the prohibition does not apply if the prospective employer is a state, local or federal government agency.

**Carl Washington, Assemblyman
California Legislature**

Dated April 12, 2002

Our File Number: A-02-034a

Section 87407's prohibition on making a governmental decision that will directly affect an entity with which a state officer or employee has an arrangement concerning prospective employment does not apply to an Assemblyman whose prospective employer is a California community college. Regulation 18747(d)(3) specifically states that the prohibition does not apply if the prospective employer is

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a state, local or federal governmental agency. However, the one year lobbying ban of section 87406(b) does apply.

Norman R. Hertz, Ph.D.
Department of Consumer Affairs
Dated April 16, 2002

Our File Number: A-02-047

This letter applies revolving door rules to a former official in the Department of Consumer Affairs who wishes to engage in consultant activities for clients before his former state agency employer.

Anthony R. Fisher, Ph.D.
Industrial Welfare Commission
Dated April 15, 2002

Our File Number: A-02-056

For purposes of the post-governmental employment provisions, the wage board within the Industrial Welfare Commission is a state administrative agency. A member of the wage board is precluded for a 12-month period from representing, for compensation, any person before the wage board.

Government Code Section 84308

Linda Parks
Local Agency Formation Commission

Dated January 11, 2002

Our File Number: I-01-146

A LAFCO Commissioner who was also an elected city council member was not required to recuse herself under Government Code § 84308(c) from a vote regarding annexation that includes land owned by a contributor to a county ballot measure committee of which she was a controlling officer. However, Govern-

ment Code § 84308(b) would prohibit her from accepting, receiving, soliciting, or directing a contribution from a party or participant in the proceeding while the entitlement proceeding is pending before the LAFCO and for three months after the final decision is rendered in the proceeding.

Statement of Economic Interests

Grace Johnson
City of Cupertino
Dated February 13, 2002

Our File Number: I-01-301

Only individuals holding positions listed in an agency's conflict of interest code are required to complete a statement of economic interests. Public officials who make or participate in the making of a governmental decision should be included in an agency's conflict of interest code.

Joel Cohen
California State Library
Foundation

Dated March 28, 2002

Our File Number: A-02-036

Reimbursement for travel expenses and per diem from a 501(c)(3) non-profit organization are not reportable. Meals or benefits that are not considered per diem or reimbursements may be determined as income or gifts.

...FPPC Unit ***Wins Awards***

(Continued from page 1)

sure and reporting laws.

In 2001, its first year of operation, the unit distributed thousands of educational publications to public officials across the state, and it coordinated the launch of the FPPC's new and greatly expanded web site, www.fppc.ca.gov. The unit's budget also funds the FPPC's popular toll-free advice line for public officials—1-866-ASK-FPPC.

In the awards competition, the unit received a Gold Award for its *FPPC Resource Directory and 2001 Annual Report*. Over 1,500 copies of this publication, which provides a detailed overview of the FPPC and its services, have been distributed to public officials and members of the public across the state. A second publication, *A Reporter's Guide to the FPPC*, also received a Gold Award. Both publications, as well as many other educational tools, are available on the FPPC web site.

The four-member unit is staffed by FPPC publications editor Jon Matthews, political reform consultant and Internet specialist Hal Dasinger, information systems analyst Jason Painter and editorial assistant John Symkowick.

Political Reform Act Available on Web and CD-ROM

The Political Reform Act of 1974 (updated to January 1, 2002) is available on the FPPC web site, www.fppc.ca.gov, and on computer CD-ROM. Downloading the Act from the web is free. The CD is available for \$5 per copy, although there is no charge for government agencies. The CD includes Adobe Acrobat (.pdf) and Microsoft Word formats. Please send your check made payable to the "State of California" and the order form below to:

Fair Political Practices Commission
Attention: Jon Matthews
Public Education Unit
428 J Street, Suite 620
Sacramento, CA 95814

Name: _____

Agency/Firm: _____

Address: _____

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